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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1828 OF 2007

Deepak Dondiba Kamble ... Applicant
versus
State of Maharashtra ... Respondent

Mr.J.Shekhar i/by J.Shekhar & Co. for applicant.
Mr.S.S.Pednekar, APP for State.

CORAM : V.C.DAGA, J.

DATE : 18th July 2007

PC :

1. Heard learned counsel for the applicant and learned APP for the State. The applicant has invoked jurisdiction of this Court u/s 439 of Cr.P.C. for bail. The learned counsel for the applicant submits that almost two accused persons, other than one juvenile offender, are on bail granted by this High Court, whereas one Sunil is also on bail granted by the Sessions Court. He thus, submits that the role of applicant and that of Avinash is almost identical, as such, on the touch stone of parity, applicant would be entitled for bail.

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2. The learned APP brought to my notice paragraph no.4 of the order passed by the Ad-hoc Additional Sessions Judge, Pune dated 30th April 2007, wherein it is mentioned that the present applicant-accused was absconding and during that period he committed one another serious offence under CR No.55 of 2006 of Kothrud Police Station.

3. In response to above, the learned counsel for the applicant submits that he has already been enlarged on bail in that case since no prima facie material to connect him with the offence alleged in that case was found. In support of this submission he placed reliance on the order of this Court dated 11th April 2007 passed in Criminal Application No.1109 of 2007.

4. On being asked, the learned APP does not dispute that on the touch stone of parity the applicant would be entitled for bail because his role is identical with that of Avinash Kadu.

5. In the above view of the matter the applicant is enlarged on bail on the following terms and conditions :-

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(a) The applicant is directed to be released on bail in connection with CR No.577 of 2006 registered with Kothrud Police Station, Pune on executing personal bond in the sum of Rs.20,000/- (Rs.Twenty thousand only) with two local sureties in the like sum;

(b) The applicant shall not enter the jurisdiction of Pune City during the pendency of the trial except for attending Court case;

(c) The applicant shall inform the place of his residence to the investigating officer as well as the Trial Court within one week from the date of release;

(d) The applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever;

(e) The applicant shall report to the nearest police station once in a month on first Saturday of every English Calendar month between 10.00 a.m. to 02.00 p.m.;

(f) The applicant shall co-operate for early disposal of the trial. In case the Trial Court is of the opinion that the applicant is responsible for delay in disposal of the trial, that fact be recorded in the roznama, which can be the basis for cancellation of bail;

6. Application disposed of on the above terms.

(V.C.DAGA, J.)